



# आरत का राजपत्र

## The Gazette of India

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**EXTRAORDINARY**

भाग II — खण्ड 2

**PART II — Section 2**

प्राधिकार से प्रकाशित

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NEW DELHI, MONDAY, MAY 11, 2015/VAISAKHA 21, 1937 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

**LOK SABHA**

The following Bills were introduced in Lok Sabha on 11th May, 2015:—

**BILL NO. 154 OF 2015***A Bill further to amend the Whistle Blowers Protection Act, 2011.*

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Whistle Blowers Protection (Amendment) Act, 2015.

Short title and commencement.

2. (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

17 of 2014.

3. In the Whistle Blowers Protection Act, 2011 (hereinafter referred to as the principal Act), in section 2, the words “the armed forces of the Union, being” shall be omitted.

Amendment of section 2.

4. In the principal Act, in section 3,—

Amendment of section 3.

1 of 1956.

(i) for the words and figures “section 617 of the Companies Act, 1956”, wherever they occur, the words, brackets and figures “clause (45) of section 2 of the Companies Act, 2013” shall be substituted;

18 of 2013.

(ii) in clause (d), in the opening line, for the word “complaint”, the word “disclosure” shall be substituted.

Amendment of  
section 4.

**4.** In the principal Act, in section 4, for sub-section (1), the following sub-sections shall be substituted, namely:—

“(1) Any public servant or any other person including a non-Governmental organisation may make public interest disclosure before the Competent Authority.

(1A) Notwithstanding anything contained in sub-section (1), no public interest disclosure shall be made by any public servant or any other person including a non-Governmental organisation under this Act, if such disclosure contains—

(a) information, the disclosure of which would prejudicially affect the sovereignty and integrity of India, the security of the State, the strategic, scientific or economic interests of the State, friendly relations with foreign States or lead to incitement to an offence;

(b) information, which has been expressly forbidden to be published by any court of law or tribunal, or the disclosure of which may constitute contempt of court;

(c) information, the disclosure of which would cause a breach of privilege of Parliament or State Legislature;

(d) information relating to commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, unless such information has been disclosed to the complainant under the provisions of the Right to Information Act, 2005;

(e) information which is available to a person in his fiduciary capacity or relationship, unless such information has been disclosed to the complainant under the provisions of the Right to Information Act, 2005;

(f) information received in confidence from a foreign government;

(g) information, the disclosure of which would endanger the life or physical safety of any person or identify the source of information or assistance given in confidence for law enforcement or security purposes;

(h) information, which would impede the process of investigation or apprehension or prosecution of offenders;

(i) cabinet papers including records of deliberations of the Council of Ministers, Secretaries and other officers, except as otherwise provided under the Right to Information Act, 2005;

(j) personal information, the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual, unless such information has been disclosed to the complainant under the provisions of the Right to Information Act, 2005.”.

22 of 2005.

22 of 2005.

22 of 2005.

22 of 2005.

Amendment  
of section 5.

**5.** In section 5 of the principal Act, after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) The Competent Authority shall not inquire into any public interest disclosure which involves information of the nature specified in sub-section (1A) of section 4:

Provided that the Competent Authority shall, on receipt of any such public interest disclosure, refer such disclosure to an authority authorised under

sub-section (1) of section 8 to ascertain whether the disclosure contains any information of the nature specified in sub-section (1A) of section 4, and the certificate given in this regard by such authority shall be binding on the Competent Authority.”.

**6.** In section 8 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) No person shall be required or authorised under this Act, or under any other law for the time being in force, to furnish any information or answer any question or produce any document or render any other assistance in an inquiry under this Act, if furnishing of such information, or answering of question or the production of the document or the rendering of assistance is likely to result in the disclosure of any information of the nature specified in sub-section (1A) of section 4, and for this purpose, a certificate issued by an authority, authorised in this behalf by the Central Government or the State Government, as the case may be, certifying that such information, answer, document or assistance is of the nature specified in sub-section (1A) of section 4, shall be binding.”.

**7.** For section 14 of the principal Act, the following section shall be substituted, namely:—

**“14.** On any disclosure made by the complainant or public servant, if the Competent Authority is of the opinion that pending inquiry, any corrupt practice is required to be stopped, it may pass such interim order, as it may deem fit, to stop such practice.”.

**8.** In section 18 of the principal Act, in sub-section (2), for the words “is attributable, such officer”, the words “is attributable to any negligence on the part of any officer other than the Head of the Department, such officer” shall be substituted.

**9.** In section 20 of the principal Act, for the words and figures “relating to imposition of penalty under section 14 or section 15 or section 16”, the words and figures “under section 15” shall be substituted.

**10.** In the principal Act, in section 23,—

(i) in sub-section (1), for the words “a consolidated” the word “an” shall be substituted;

(ii) in sub-section (2), for the words “cause a copy thereof”, the words “consolidate the reports so received and cause the consolidated report” shall be substituted.

**11.** In section 31 of the principal Act, in sub-section (2), for the words “be deemed”, the words “shall be deemed” shall be substituted.

Amendment of section 8.

Substitution of new section for section 14.

Power to pass interim orders.

Amendment of section 18.

Amendment of section 20.

Amendment of section 23.

Amendment of section 31.

## STATEMENT OF OBJECTS AND REASONS

The Whistle Blowers Protection Act, 2011 (17 of 2014) [hereinafter referred to as the said Act] has been enacted for providing protection to the persons making disclosure of corruption, wilful misuse of power or discretion by any public servant from harassment, besides keeping the identity of the whistle-blowers secure. While the Whistle Blowers Protection Bill, 2011 was taken up for consideration and passing in Parliament, the amendments agreed with a view to strengthening the safeguards against disclosures which may prejudicially affect the sovereignty and integrity of the country, security of the State, etc., and to remove certain drafting errors and errors in cross referencing of clauses were formulated. However, since the Bill was taken up for consideration in the Rajya Sabha on the last day of the extended Winter Session of Parliament, which was the last Session of the 15th Lok Sabha, the official amendments to the Bill for which notice had been given by the Government, were not moved. It has thus become necessary to carry out necessary amendments in the Act so as to incorporate necessary safeguards against disclosures which may prejudicially affect the sovereignty and integrity of the country, security of the State, etc. Thus it has become pertinent to amend the said Act to address the above shortcomings.

2. The salient features of the Bill, *inter alia*, are as follows:

(a) to ensure that the said Act incorporates necessary provisions aimed at strengthening the safeguards against disclosures which may prejudicially affect the sovereignty and integrity of the country, security of the State, etc., it is proposed to amend sections 4, 5 and 8 of the Whistle Blowers Protection Act, 2011;

(b) amendments in section 4 prohibit disclosures prejudicially affecting the sovereignty and integrity of India, the security, strategic, scientific or economic interests of the State, relations with foreign State, or lead to incitement of an offence, etc. These amendments have been modelled on the provisions of sub-section (1) of section 8 of the Right to Information Act, 2005;

(c) amendment in section 5 provides that the Competent Authority shall not inquire into any public interest disclosure which involves information of the nature specified in the amended section 4;

(d) amendment in section 8 provides that no person shall be required to furnish any information or answer any question or produce any document or render any other assistance in an inquiry under the said Act, if the same is likely to result in the disclosure of any information of the nature specified in the amended section 4;

(e) some amendments to correct drafting errors in the said Act have also been proposed.

3. The Bill seeks to achieve the above objects.

NEW DELHI;

DR. JITENDRA SINGH

*The 6th May, 2015.*

## ANNEXURE

## EXTRACTS FROM THE WHISTLE BLOWERS PROTECTION ACT, 2011

(17 OF 2014)

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**2.** The provisions of this Act shall not apply to the armed forces of the Union, being 34 of 1988. the Special Protection Group constituted under the Special Protection Group Act, 1988.

Provisions of this Act not to apply to Special Protection Group.

**3.** In this Act, unless the context otherwise requires,— Definitions.

45 of 2003. (a) "Central Vigilance Commission" means the Commission constituted under sub-section (1) of section 3 of the Central Vigilance Commission Act, 2003;

(b) "Competent Authority" means—

(i) in relation to a Member of the Union Council of Ministers, the Prime Minister;

(ii) in relation to a Member of Parliament, other than a Minister, the Chairman of the Council of States if such Member is a Member of the Council of States or the Speaker of the House of the People if such Member is a Member of the House of the People, as the case may be;

(iii) in relation to a Member of the Council of Ministers in a States or Union territory, the Chief Minister of the State or Union territory, as the case may be;

(iv) in relation to a Member of Legislative Council or Legislative Assembly of a State or Union territory, other than a Minister, the Chairman of the Legislative Council if such Member is a Member of the Council or the Speaker of the Legislative Assembly if such Member is a Member of the Assembly, as the case may be;

(v) in relation to—

(A) any Judge (except a Judge of the Supreme Court or of a High Court) including any person empowered by law to discharge, whether by himself or as a member of any body of persons, any adjudicatory functions; or

(B) any person authorised by a court of justice to perform any duty, in connection with the administration of justice, including a liquidator, receiver or commissioner appointed by such court; or

(C) any arbitrator or other person to whom any cause or matter has been referred for decision or report by a court of justice or by a competent public authority,

the Higher Court;

(vi) in relation to—

(A) any person in the service or pay of the Central Government or remunerated by the Central Government by way of fees or commission for the performance of any public duty except Ministers, Members of Parliament and members or persons referred to in clause (a) or clause (b) or clause (c) or clause (d) of article 33 of the Constitution, or in the service or pay of a society or local authority or any corporation established by or

under any Central Act, or an authority or a body owned or controlled or aided by the Central Government or a Government company as defined in section 617 of the Companies Act, 1956, owned or controlled by the Central Government; or

1 of 1956.

(B) any person who holds an office by virtue of which he is empowered to prepare, publish, maintain or revise an electoral roll or to conduct an election or part of an election in relation to elections to Parliament or a State Legislature; or

(C) any person who holds an office by virtue of which he is authorised or required to perform any public duty (except Ministers and Members of Parliament); or

(D) any person who is a chairman, member or employee of any State Service Commission or Board, by whatever name called, or a member of any selection committee appointed by such Commission or Board for the conduct of any examination or making any selection on behalf of such Commission or Board; or

(E) any person who is a Vice-Chancellor or member of any governing body, professor, associate professor, assistance professor, reader, lecturer or any other teacher or employee, by whatever designation called, of any University established by a Provincial or State Act or established or controlled or funded by the State Government and any person whose services have been availed of by such University or any such other public authority in connection with holding or conducting examinations; or

(F) any person who is an office-bearer or an employee of an educational, scientific, social, culture or other institution, in whatever manner established, receiving or having received any financial assistance from the State Government or any local or other public authority,

the State Vigilance Commission, if any, or any officer of the State Government or any other authority, as the State Government may, by notification in the Official Gazette, specify in this behalf under this Act;

(vii) in relation to members or persons referred to in clause (a) or clause (b) or clause (c) or clause (d) of article 33 of the Constitution, any authority or authorities as the Central Government or the State Government, as the case may be, having jurisdiction in respect thereof, may, by notification in the Official Gazette, specify in this behalf under this Act;

(c) "complainant" means any person who makes a complaint relating to disclosure under this Act;

(d) "disclosure" means a complaint relating to,—

(i) an attempt to commit or commission of an offence under the Prevention of Corruption Act, 1988;

49 of 1988.

(ii) wilful misuse of power or wilful misuse of discretion by virtue of which demonstrable loss is caused to the Government or demonstrable wrongful gain accrues to the public servant or to any third party;

(iii) attempt to commit or commission of a criminal offence by a public servant,

made in writing or by electronic mail or electronic mail message, against the public servant and includes public interest disclosure referred to in sub-section (2) of section 4;

(e) "electronic mail" or "electronic mail message" means a message or information created or transmitted or received on any computer, computer system, computer resource or communication device including attachments in text, image, audio, video and any other electronic record, which may be transmitted with the message;

1 of 1956. (f) "Government company" means a company referred to in section 617 of the Companies Act, 1956;

(g) "notification" means a notification published in the Gazette of India, or as the case may be, the Official Gazette of a State;

(h) "public authority" means any authority, body or institution falling within the jurisdiction of the Competent Authority;

49 of 1988. (i) "public servant" shall have the same meaning as assigned to it in clause (c) of section 2 of the Prevention of Corruption Act, 1988 but shall not include a Judge of the Supreme Court or a Judge of a High Court;

(j) "prescribed" means prescribed by rules made by the Central Government and the State Government, as the case may be, under this Act;

(k) "regulations" means the regulations made by the Competent Authority under this Act.

## CHAPTER II

### PUBLIC INTEREST DISCLOSURE

19 of 1923. **4. (1)** Notwithstanding anything contained in the provisions of the Official Secrets Act, 1923, any public servant or any other person including any non-governmental organisation, may make a public interest disclosure before the Competent Authority.

Requirement of public interest disclosure.

**8. (1)** No person shall be required or be authorised by virtue of provisions contained in this Act to furnish any such information or answer any such question or produced any document or information or render any other assistance in the inquiry under this Act if such question or document or information is likely to prejudicially affect the interest of the sovereignty and integrity of India, the security of the State, friendly relations with foreign State, Public order, decency or morality or in relation to contempt of court, defamation or incitement to an offence,—

Certain matters exempt from disclosure.

(a) as might involve the disclosure of proceedings of the Cabinet of the Union Government or any Committee of the Cabinet;

(b) as might involve the disclosure of proceedings of the Cabinet of the State Government or any Committee of that Cabinet,

and for the purpose of this sub-section, a certificate issued by the Secretary to the Government of India or the Secretary to the State Government, as the case may be, or, any authority so authorised by the Central or State Government certifying that any information, answer or portion of a document is of the nature specified in clause (a) or clause (b), shall be binding and conclusive.

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**14.** The Competent Authority, at any time after the making of disclosure by the complainant or public servant, if it is of the opinion that any corrupt practice required to be stopped during the continuation of any inquiry for the said purpose may pass such interim orders as it may deem fit, to prevent the immediate stoppage of such practice.

Power to pass interim orders.

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**18. (1)**

Punishment to Head of Department in certain cases.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a Department of Government and it is proved that the

offence has been committed with the consent or connivance of, or is attributable, such officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

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Appeal to High Court.

**20.** Any person aggrieved by any order of the Competent Authority relating to imposition of penalty under section 14 or section 15 or section 16 may prefer an appeal to the High Court within a period of sixty days from the date of the order appealed against:

Provided that the High Court may entertain the appeal after the expiry of the said period of sixty days, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time.

*Explanation.*—For the purposes of this section, "High Court" means the High Court within whose jurisdiction the cause of action arose.

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## CHAPTER VII

### MISCELLANEOUS

Report on disclosures.

**23. (1)** The Competent Authority shall prepare a consolidate annual report of the performance of its activities in such form as may be prescribed and forward it to the Central Government or State Government, as the case may be.

(2) On receipt of the annual report under sub-section (1), the Central Government or State Government, as the case may be, shall cause a copy thereof to be laid before each House of Parliament, or the State Legislature, as the case may be:

Provided that where any other law for the time being in force provides preparing of such annual report by the Competent Authority, then the said annual report shall contain a separate part on the performance of activities under this Act by the Competent Authority.

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Repeal and savings.

**31. (1)**

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(2) Notwithstanding such repeal, anything done or any action taken under the said Resolution be deemed to have been or taken under this Act.

## BILL NO. 152 OF 2015

*A Bill further to amend the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.*

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

**1. (1)** This Act may be called the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Amendment) Second Act, 2015.

Short title and commencement.

**(2)** It shall be deemed to have come into force on the 31st day of December, 2014.

**2.** In the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as the principal Act), for the words "private company" wherever they occur, the words "private entity" shall be substituted.

Substitution of certain expression throughout the Act.

Amendment of section 2.

**3.** In the principal Act, in sub-section (2) of section 2, after the second proviso, the following proviso shall be inserted, namely:—

"Provided also that the acquisition of land for the projects listed in sub-section (1) of section 10A and the purposes specified therein shall be exempted from the provisions of the first proviso to this sub-section.".

Amendment of section 3.

**4.** In the principal Act, in section 3,—

(i) in clause (j), in sub-clause (i), for the words and figures "the Companies Act, 1956", the words and figures "the Companies Act, 2013" shall be substituted;

(ii) after clause (y), the following clause shall be inserted, namely:—

'(yy) "private entity" means any entity other than a Government entity or undertaking and includes a proprietorship, partnership, company, corporation, non-profit organisations or other entity under any law for the time being in force;'.

Insertion of new Chapter IIIA.

**5.** In the principal Act, after Chapter III, the following Chapter shall be inserted, namely:—

### "CHAPTER IIIA

#### PROVISIONS OF CHAPTER II AND CHAPTER III NOT TO APPLY TO CERTAIN PROJECTS

Power of appropriate Government to exempt certain projects.

**10A. (1)** The appropriate Government may, in the public interest, by notification, exempt any of the following projects from the application of the provisions of Chapter II and Chapter III of this Act, namely:—

(a) such projects vital to national security or defence of India and every part thereof including preparation for defence or defence production;

(b) rural infrastructure including electrification;

(c) affordable housing and housing for the poor people;

(d) industrial corridors set-up by the appropriate Government and its undertakings (in which case the land shall be acquired up to one kilometre on both sides of designated railway line or roads for such industrial corridor); and

(e) infrastructure projects including projects under public-private partnership where the ownership of land continues to vest with the Government:

Provided that the appropriate Government shall, before the issue of notification, ensure the extent of land for the proposed acquisition keeping in view the bare minimum land required for such project.

(2) The appropriate Government shall undertake a survey of its wasteland including arid land and maintain a record containing details of such land, in such manner as may be prescribed by the appropriate Government.".

Amendment of section 24.

**6.** In the principal Act, in section 24, in sub-section (2), after the proviso, the following proviso shall be inserted, namely:—

"Provided further that in computing the period referred to in this sub-section, any period or periods during which the proceedings for acquisition of the land were held up on account of any stay or injunction issued by any court or the period specified in the award of a Tribunal for taking possession or such period where possession has been taken but the compensation is lying deposited in a court or in any designated account maintained for this purpose shall be excluded.".

Amendment of section 31.

**7.** In the principal Act, in section 31, in sub-section (2), in clause (h), after the words "affected families", the words "including compulsory employment to at least one member of such affected family of a farm labourer" shall be inserted.

1 of 1956.  
18 of 2013.

**8.** In the principal Act, in section 46, in sub-section (6), in the *Explanation*, in clause (b), the words "any person other than" shall be omitted.

Amendment of section 46.

**9.** In the principal Act, after section 67, the following section shall be inserted, namely:—

Insertion of new section 67A.

"67A. The Authority shall, after receiving reference under section 64 and after giving notice of such reference to all parties concerned, hold the hearing in the district where the land acquisition takes place for settlement of the objections raised in the reference.".

Hearing to be held by Authority in district or districts to decide grievances.

**10.** In the principal Act, for section 87, the following section shall be substituted, namely:—

Substitution of new section for section 87.

"87. Where an offence under this Act has been committed by any person who is or was employed in the Central Government or the State Government, as the case may be, at the time of commission of such alleged offence, the court shall take cognizance of such offence provided the procedure laid down in section 197 of the Code of Criminal Procedure, 1973 is followed."

Offences by Government officials.

2 of 1974.

**11.** In the principal Act, in section 101, for the words "a period of five years", the words "a period specified for setting-up of any project or for five years, whichever is later," shall be substituted.

Amendment of section 101.

**12.** In the principal Act, in section 105,—

Amendment of section 105.

(i) for sub-section (3), the following sub-section shall be substituted, namely:—

"(3) The provisions of this Act relating to the determination of compensation in accordance with the First Schedule, rehabilitation and resettlement in accordance with the Second Schedule and infrastructure amenities in accordance with the Third Schedule shall apply to the enactments relating to land acquisition specified in the Fourth Schedule with effect from 1st January, 2015.";

(ii) sub-section (4) shall be omitted.

**13.** In the principal Act, in section 109, in sub-section (2), after clause (d), the following clause shall be inserted, namely:—

Amendment of section 109.

"(dd) the manner of undertaking a survey of waste land including arid land and maintenance of the record containing the details of such land under sub-section (2) of section 10A;".

**14.** In the principal Act, in section 113, in sub-section (1),—

Amendment of section 113.

(i) for the words "the provisions of this Part", the words "the provisions of this Act" shall be substituted;

(ii) in the proviso, for the words "a period of two years", the words "a period of five years" shall be substituted.

**15. (1)** The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Amendment) Ordinance, 2015, is hereby repealed.

Repeal and saving.

Ord. 4 of 2015.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

### STATEMENT OF OBJECTS AND REASONS

The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (herein referred to as the Fair Compensation in Land Acquisition Act) was enacted to provide for just and fair compensation to the owners of the land and affected families for the land acquisitions made under the said Act and the 13 Acts specified in the Fourth Schedule, which makes provision for acquisition of land for the purposes specified in the respective Acts, in terms of the provisions made in the First, Second and Third Schedule to the Fair Compensation in Land Acquisition Act. In other words, the benefits of compensation, rehabilitation and resettlement provided in the Fair Compensation in Land Acquisition Act is proposed to be extended in cases of land acquisition made under the Acts specified in the Fourth Schedule.

2. In view of the deadline provided in section 105 of the Fair Compensation in Land Acquisition Act and the necessity of extending the enhanced compensation, rehabilitation and resettlement to land acquisitions under thirteen Acts of the Fourth Schedule and to make necessary provisions for infrastructure projects the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Amendment) Ordinance, 2014 was promulgated on the 31st December, 2014. On the 24th February, 2015 a replacement Bill was introduced in Lok Sabha. The Bill was passed by Lok Sabha with some amendments on the 10th March, 2015. Notice for motion for consideration and passing of the Bill as passed by the Lok Sabha was given in Rajya Sabha on the 13th March, 2015. However, the Bill could not be taken up for consideration in the Rajya Sabha as the Rajya Sabha was prorogued on the 28th March, 2015.

3. Section 105 of the Act of 2013 as amended by the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Amendment) Ordinance, 2014 provided to extend the benefit of enhanced compensation, rehabilitation and resettlement in case of land acquisitions done under the 13 Acts listed in the Fourth Schedule of the Act. With a view to give continuity to the provisions of the said Ordinance, it was necessary to re-promulgate the Ordinance and get the same replaced by the Replacement Bill in Parliament so that enhanced compensation and rehabilitation and resettlement made available through the provisions of earlier Ordinance continue to remain in force in cases of land acquisitions made under the thirteen Acts listed in the Fourth Schedule to the Act of 2013.

4. As the Council of States was not in session and immediate action was required to be taken by the Central Government to give continuity to the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Amendment) Ordinance, 2014 and to expedite the process of land acquisition, the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Amendment) Ordinance, 2015 (No. 4 of 2015) was promulgated on 3rd April, 2015.

5. The said Ordinance contains enabling provision necessary to expedite the process of land acquisition for strategic and development activities, such as, national security or defence of India including preparation for defence and defence production; rural infrastructure including electrification; affordable housing and housing for poor people; industrial corridors set-up by the appropriate Government and its undertakings (in which case the land shall be acquired up to one kilometre on both sides of designated railway line or roads for such industrial corridor); infrastructure projects including projects under public private partnership where the ownership of the land continues to vest with the Government, it is proposed to continue with the "Consent" clause provided under sub-section (2) of section 2 of the Fair Compensation in Land Acquisition Act in case of the acquisitions provided in the Act except in cases provided above.

6. Further, to ensure the growth and development of the country, while safeguarding the welfare of farmers, it is proposed to empower the appropriate Government to exempt them

from "Social Impact Assessment" and "Special Provisions for Safeguarding Food Security" provisions of the Fair Compensation in Land Acquisition Act. However, the appropriate Government shall, before the issue of notification, ensure the extent of land for the proposed acquisition keeping in view the bare minimum land required for such project. The appropriate Government shall undertake a survey of its wasteland including arid land and maintain a record containing details of such land, in such manner as may be prescribed by the appropriate Government.

7. It is proposed to make consequential amendment by substituting the "Companies Act, 1956" with the "Companies Act, 2013" where the word "Company" has been defined. At present, the provisions of the Fair Compensation in Land Acquisition Act extend to "private company" thereby excluding others like public company, proprietorship, partnership, non-profit organisation, etc. Therefore, in place of the term "private company", the term "private entity" is proposed to be substituted and defined accordingly.

8. It is proposed to exclude all such period, that is the period during which the proceedings for acquisition of the land have been held up on account of any stay or injunction issued by any court, or the period specified in the award of a Tribunal for taking possession or such period where possession has been taken but the compensation is lying deposited in a court or in designated account maintained for this purpose, in calculation of five years period as specified in sub-section (2) of section 24 of the Fair Compensation in Land Acquisition Act, arising out of the Land Acquisition Act, 1894.

9. Section 31 of the Act is proposed to be amended so that in the Rehabilitation and Resettlement Award passed by Collector for affected families, compulsory employment to at least one member of such affected family of a farm labourer is also included.

10. Section 46 is proposed to be modified so that the rehabilitation and resettlement benefits are available to land owners in case of purchase of land through private negotiations by non-governmental entities.

11. A new section 67A is proposed to be inserted in the Act mandating that the Land Acquisition, Rehabilitation and Resettlement Authority shall hold the hearing in the district where the land acquisition takes place for settlement of the objections raised in the reference under section 64 of the Act.

12. Section 87 is proposed to be amended to provide that the court shall take cognizance of offence by Government officials under the Act in accordance with the procedure laid down in section 197 of the Code of Criminal Procedure, 1973.

13. Section 101 which deals with return of unutilised land is being amended to increase the period after which unutilised land will be reverted back to land owner or to Land Bank from "five years" at present to "a period specified for setting up of any project or for five years whichever is later".

14. In section 113 of the Fair Compensation in Land Acquisition Act, the word "Part" has been inadvertently used instead of the word "Act" which needs to be rectified. Further, the period provided for removal of difficulties is being extended to five years.

15. The Bill proposes to replace the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Amendment) Ordinance, 2015 (4 of 2015).

NEW DELHI;  
*The 18th April, 2015.*

BIRENDER SINGH

## ANNEXURE

EXTRACTS FROM THE RIGHT TO FAIR COMPENSATION AND TRANSPARENCY IN LAND ACQUISITION,  
REHABILITATION AND RESETTLEMENT ACT, 2013

(30 OF 2013)

\* \* \* \* \*

Application  
of Act.

2. (1) \* \* \* \* \*

(2) The provisions of this Act relating to land acquisition, compensation, rehabilitation and resettlement, shall also apply, when the appropriate Government acquires land for its own use, hold and control, including for public undertaking and for public purpose, and shall be included the following purposes, namely :—

\* \* \* \* \*

Provided further that the process of obtaining the consent shall be carried out along with the Social Impact Assessment study referred to in section 4:

\* \* \* \* \*

Definitions.

3. In this Act, unless the context otherwise requires,—

\* \* \* \* \*

(j) “company” means—

(i) a company as defined in section 3 of the Companies Act, 1956, other than a Government company;

1 of 1956.

\* \* \* \* \*

Land  
acquisition  
process under  
Act No.1 of  
1894 shall be  
deemed to  
have lapsed in  
certain cases.

24. (1) \* \* \* \* \*

(2) Notwithstanding anything contained in sub-section (1), in case of land acquisition proceedings initiated under the Land Acquisition Act, 1894, where an award under the said section 11 has been made five years or more prior to the commencement of this Act but the physical possession of the land has not been taken or the compensation has not been paid the said proceedings shall be deemed to have lapsed and the appropriate Government, if it so chooses, shall initiate the proceedings of such land acquisition afresh in accordance with the provisions of this Act:

Provided that where an award has been made and compensation in respect of a majority of land holdings has not been deposited in the account of the beneficiaries, then, all beneficiaries specified in the notification for acquisition under section 4 of the said Land Acquisition Act, shall be entitled to compensation in accordance with the provisions of this Act.

\* \* \* \* \*

## CHAPTER V

## REHABILITATION AND RESETTLEMENT AWARD

31. (1) \* \* \* \* \*

(2) The Rehabilitation and Resettlement Award shall include all of the following, namely:—

\* \* \* \* \*

Rehabilitation  
and  
Resettlement  
Award for  
affected  
families by  
Collector.

(h) details of mandatory employment to be provided to the members of the affected families;

\* \* \* \* \*

**46. (1)**

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Provisions relating to rehabilitation and resettlement to apply in case of certain persons other than specified persons.

(6) If any land has been purchased through private negotiations by a person on or after the 5th day of September, 2011, which is more than such limits referred to in sub-section (1) and, if the same land is acquired within three years from the date of commencement of this Act, then, forty per cent. of the compensation paid for such land acquired shall be shared with the original land owners.

*Explanation.*—For the purpose of this section, the expression—

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(b) "specified persons" includes any person other than—

(i) appropriate Government;

(ii) Government company;

(iii) association of persons or trust or society as registered under the Societies Registration Act, 1860, wholly or partially aided by the appropriate Government or controlled by the appropriate Government.

21 of 1860.

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**87. (1)** Where an offence under this Act has been committed by any department of the Government, the head of the department, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Offences by Government departments.

Provided that nothing contained in this section shall render any person liable to any punishment if such person proves that the offence was committed without his knowledge or that such person exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a Department of the Government and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any officer, other than the head of the department, such officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

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**101.** When any land acquired under this Act remains unutilised for a period of five years from the date of taking over the possession, the same shall be returned to the original owner or owners of their legal heirs, as the case may be, or to the Land Bank of the appropriate Government by reversion in the manner as may be prescribed by the appropriate Government.

Return of unutilised land.

*Explanation.*—For the purpose of this section, "Land Bank" means a governmental entity that focuses on the conversion of Government owned vacant, abandoned, unutilised acquired lands and tax-delinquent properties into productive use.

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**105. (1)**

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(3) The Central Government shall, by notification, within one year from the date of commencement of this Act, direct that any of the provisions of this Act relating to the determination of compensation in accordance with the First Schedule and rehabilitation and resettlement specified in the Second and Third Schedules, being beneficial to the affected families, shall apply to the cases of land acquisition under the enactments specified in the Fourth Schedule or shall apply with such exceptions or modifications that do not reduce the compensation or dilute the provisions of this Act relating to compensation or rehabilitation and resettlement as may be specified in the notification, as the case may be.

Provisions of this Act not to apply in certain cases or to apply with certain modifications.

(4) A copy of every notification proposed to be issued under sub-section (3), shall be laid in draft before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in disapproving the issue of the notification or both Houses agree in making any modification in the notification, the notification shall not be issued or, as the case may be, shall be issued only in such modified form as may be agreed upon by both the Houses of Parliament.

\* \* \* \* \*

Power to  
remove  
difficulties.

**113. (I)** If any difficulty arises in giving effect to the provisions of this Part, the Central Government may, by order, make such provisions or give such directions not inconsistent with the provisions of this Act as may appear to it to be necessary or expedient for the removal of the difficulty:

Provided that no such power shall be exercised after the expiry of a period of two years from the commencement of this Act.

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ANOOP MISHRA  
*Secretary General*